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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 2929/2007

Petitioner		Devendra Kumar Pathak son of Late Shri M.L. Pathak, aged about 39 years, Assistant Teacher, presently posted at Govt. Lal Bahadur Shastri Govt. Medial School Bilaspur, Chhattisgarh, Block Bilha, District-Bilaspur(CG)
		Versus
RESPONDENTS	1	State of Chhattisgarh & others Through: The Secretary, Department of School Education, DKS Bhawan, Raipur (CG)
	2.	The District Education Officer, Bilaspur(CG)
	3.	The Block Education Officer, Bilha, District-Bilaspur(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Amit Kumar Sharma, counsel for the petitioner.

Shri Yashwant Singh, G.A. for the State on advance copy.

ORAL ORDER
(27.8.2007)

Sunil Kumar Sinha, J.

Heard on admission.

Learned counsel for the petitioner submits that the petitioner has passed B.Ed. examination on his own expenses, therefore, he is entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (2006 (II) MPJR-CG 96)***. He submits that the case of the petitioner is squarely covered by the said judgment.

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This legal position is not disputed by learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioner's such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another(supra)* subject to verification of the facts as to whether the petitioner had acquired B.Ed. Examination Certificate on his own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether he has been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

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